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HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

Written statement* submitted by Amnesty International (AI), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 February 2008]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The situation of human rights in Myanmar

The aftermath of the September 2007 crackdown on peaceful demonstrations

Nearly five months after the Human Rights Council met in Special Session and passed a resolution deploring the crackdown on protesters, Amnesty International continues to receive reports of widespread torture, enforced disappearances, political imprisonment, unlawful killings, and excessive use of force in Myanmar. In resolution S-5/1, the Council urged the government of Myanmar to ensure full respect for human rights and fundamental freedoms, to investigate and bring to justice perpetrators of human rights violations, to release those arrested during the repression of peaceful protests as well as all political prisoners, and to lift restrictions on peaceful political activity. There is little to suggest that the government has acted on these recommendations, and it is therefore imperative that the Council finds new and more effective ways to encourage the government to restore respect for human rights in Myanmar.

In resolution S-5/1, the Council asked the UN Special Rapporteur on the Situation of Human Rights in Myanmar to further assess the situation of human rights, including by undertaking a mission to the country. The Special Rapporteur carried out an official mission to Myanmar from 11 to 15 November 2007, and reported to the resumed 6th Session of the Human Rights Council on 11 December. In resolution 6/33, adopted 14 December 2007, the Council requested the Special Rapporteur to conduct a follow-up mission to Myanmar and report to the Council at its 7th Session. As of 25 February, the Special Rapporteur has still not been invited by the government of Myanmar to carry out this mission. Amnesty International calls on the government of Myanmar to comply with this and the other calls for action by the Council, including allowing a full-fledged fact-finding mission to Myanmar and taking adequate action in response to the recommendations of the Special Rapporteur.

Since the Special Session, unlawful arrests of peaceful demonstrators have continued. During the September protests, between 3,000 and 4,000 persons, including children and pregnant women, were detained in mass round-ups. To date, at least 700 of those arrested during the crackdown remain in detention. This is in addition to the 1,150 political prisoners who were being held prior to the protests. More than 80 persons remain unaccounted for since the September demonstrations, and are likely the victims of enforced disappearance. During November 2007 through January 2008, there were more than 100 new arrests of peaceful demonstrators. People have been targeted for attempting to send information related to the September crackdown to the international community, clearly demonstrating efforts by the government to silence its critics. Since 1 November 2007, the Myanmar authorities have sentenced at least 15 protesters and their supporters to prison terms in proceedings that violate international standards of fair trial, including because most defendants were denied the right to legal counsel.

A continuing pattern of human rights violations

The September 2007 crackdown and following events have taken place against the backdrop of the long-standing, widespread and systematic human rights violations that have been perpetrated by the Myanmar authorities for decades. These violations continue.

In April 2007, members of the Human Rights Defenders and Promoters group were attacked by more than 50 people in Ayeyarwaddy Division, while senior members of the village police and the Secretary of the state-sponsored Union Solidarity Development Association (USDA) reportedly stood by. To Amnesty International's knowledge, no one has been brought to justice for these attacks.

Even before the large-scale demonstrations in August 2007, the authorities arrested nine people on 22 February and a further eight on 22 April for demonstrating against poor economic conditions. On 21 August, two days after the first large-scale demonstration - and likely in an attempt to discourage further protests - many prominent activists were arrested, including Min Ko Naing, Ko Ko Gyi, Min Ze Ya, Ko Jimmy, and Ko Pyone Cho. Several of them had been released from prison only months earlier.

Members of the main opposition party, the National League for Democracy (NLD), continue to be harassed and threatened and many have been forced to resign from the party.

In Kayin State, a military offensive by the Myanmar army (*tatmadaw*) has continued, recently on a slightly lesser scale, but still including widespread and systematic attacks directed against the civilian Karen population. Violations include murder, enslavement, deportation or forcible transfer of population, unlawful imprisonment, torture, persecution of an ethnic group, and enforced disappearance, amounting to crimes against humanity.

Prison conditions are poor, and the International Committee of the Red Cross has been denied access to prisons in Myanmar since December 2005. Many detainees are held in degrading conditions, and political detainees are sometimes held with persons convicted of serious non-political crimes. There have been reports of torture and other cruel, inhuman and degrading treatment, including beatings, of persons in custody. Monks held in detention have been stripped of their robes and purposely been served food in the afternoon, which is a time of day when their religion forbids them to eat.

The number of deaths in detention is unconfirmed, but from 27-29 September 2007, a large number of bodies were reportedly burned at the Ye Way municipal crematorium in Yangon during the night. It is unusual for the crematorium to function at night, and the cremations were carried out by state security personnel or USDA members after regular employees had been instructed to stay away. On at least one night, reports indicate that some of the bodies cremated had shaved heads and bore marks of serious injury.

Constitutional process

On 19 February, the State Peace and Development Council (the SPDC) announced that, pursuant to its seven-step 'Road Map to Democracy', the Constitution had been finalised. However, the main opposition NLD party has not participated in the process, as consultations on the Constitution have been limited to political parties and groups which support the government. There are well-founded concerns that the entire process has been characterised by a lack of transparency, accountability and participation by opposition parties or others not in favour with the government. So far, the constitutional process has not fulfilled any criteria of legitimacy or legality and cannot be considered as a step forward in the process towards national reconciliation, democratic elections or respect for human rights. Rather, it appears to be an exercise aimed at perpetuating the SPDC's

oppressive rule, while lulling the international community into believing that meaningful reform is taking place.

A representative of the Myanmar government has met with NLD leader Daw Aung San Suu Kyi several times since 30 September, ostensibly to start a dialogue on national reconciliation. However, Daw Aung San Suu Kyi, who remains under house arrest, has expressed her dissatisfaction with the nature, substance, and pace of these talks.

Amnesty International's recommendations to the Human Rights Council

The human rights situation in Myanmar continues to require the urgent attention of the Council and the international community as a whole. For too long, the government of Myanmar's cooperation with the Council and its Special Procedures has been neither full nor in good faith.

Amnesty International therefore calls on the Human Rights Council at its 7th Session:

- To adopt a comprehensive resolution on the human rights situation in Myanmar, condemning the long-term and systemic human rights violations in the country, and urging the government of Myanmar to take the following steps without further delay:
    - to immediately and unconditionally release those arrested for peacefully exercising their right to freedom of expression and assembly;
    - to make public the names of those detained or missing in connection with the September 2007 demonstrations;
    - to ensure that all reports of killings, torture and ill-treatment of detainees, unlawful arrests, and enforced disappearances are fully and promptly investigated and that those responsible are brought to justice;
    - to lift all restraints on peaceful political activity and to guarantee the rights to freedom of assembly, association, opinion and expression;
    - to cease committing crimes against humanity against Karen civilians in Kayin State and Bago Division, as well as other abuses perpetrated against ethnic minorities.

- To urge the Myanmar government to comply fully with Resolutions S-5/1 and 6/33, including by allowing full, unrestricted and regular access to the country by the Special Rapporteur on the Situation of Human Rights in Myanmar in conformity with the *Terms of Reference for Fact-finding missions by Special Procedures*;

- To renew the mandate of the Special Rapporteur on the Situation of Human Rights in Myanmar.

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